

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MARK RISSEr,</b>	:	<b>CIVIL ACTION NO. 1:17-CV-357</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>STEELTON-HIGHSPIRE SCHOOL</b>	:	
<b>DISTRICT, DR. ELLEN</b>	:	
<b>CASTAGNETO, LISA CRUM, and</b>	:	
<b>RACHEL MONTIEL,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 22nd day of November, 2017, upon consideration of the motion (Doc. 24) by defendants Steelton-Highspire School District, Dr. Ellen Castagneto, Lisa Crum, and Rachel Montiel, seeking to dismiss the amended complaint (Docs. 12, 13) of plaintiff Mark Risser (“Risser”), and the parties’ respective briefs in support of and opposition to said motion (Docs. 25, 26, 28), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants’ motion (Doc. 24) to dismiss is GRANTED in part and DENIED in part as follows:
  - a. Risser’s claims in Counts I, II, and III<sup>1</sup> are DISMISSED with prejudice as to defendant Rachel Montiel.
  - b. Risser’s harassment and hostile work environment claims under the Americans with Disabilities Act (“ADA”) in Count I and the

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<sup>1</sup> The amended complaint styles the retaliation claim as “Count IV.” (Doc. 13 at 15). The court will refer to the retaliation claim as Count III for clarity since only three counts are alleged.

Pennsylvania Human Relations Act (“PHRA”) in Count II are DISMISSED with prejudice as to all remaining defendants.

- c. Risser’s allegations of discrimination and retaliation with regard to the March 2, 2017 school assembly incident are DISMISSED without prejudice as to all remaining defendants.
  - d. Risser’s claims of discrimination under the ADA in Count I and retaliation under the ADA in Count III are DISMISSED with prejudice as to defendants Dr. Ellen Castagneto and Lisa Crum.
  - e. Defendants’ motion (Doc. 24) is otherwise DENIED.
- 2. The Clerk of Court is DIRECTED to terminate defendant Rachael Montiel as a party to the above-captioned action.
  - 3. This action shall proceed on the following claims:
    - a. Count I, disability discrimination under the ADA, proceeds as to Steelton-Highspire School District.
    - b. Count II, disability discrimination under the PHRA, proceeds as to Steelton-Highspire School District as well as Dr. Ellen Castagneto and Lisa Crum in their individual capacities.
    - c. Count III, retaliation under the ADA, proceeds as to Steelton-Highspire School District.
    - d. Count III, retaliation under the PHRA, proceeds as to Steelton-Highspire School District as well as Dr. Ellen Castagneto and Lisa Crum in their individual capacities.
  - 4. Defendants shall respond to Risser’s amended complaint (Docs. 12, 13) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania